

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 107

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH STATED EXCEPTIONS, REJECTING CERTAIN AGENCY RULES THAT ARE NOT APPROVED AND PROVIDING AN EFFECTIVE DATE FOR A CERTAIN RULE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Bureau of Occupational Licenses governing Rules of the Board of Naturopathic Medical Examiners is not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Department of Health and Welfare governing the Idaho Child Care Program (ICCP) is not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Idaho State Lottery, Rules Governing Operations of the Idaho State Lottery is not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Certified Shorthand Reporters, Rules of Procedure of the Idaho Certified Shorthand Reporters Board is not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Department of Environmental Quality, Ground Water Quality Rule shall become final and effective on July 1, 2009; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of Rules Coordinator to the Legislature for review during the 2009 legislative session, which impose a fee or charge, be, and the same are approved, with the exception of the following enumerated pending fee rules:

IDAPA 24.24.01, Rules of the Bureau of Occupational Licenses, Rules of the Board of Naturopathic Medical Examiners, adopted as pending fee rules under Docket Number 24-2401-0801, the entire rulemaking docket;

1 IDAPA 16.06.12, Rules of the Department of Health and Welfare, Idaho Child
 2 Care Program (ICCP), Section 009, Criminal History and Background Check Re-
 3 quirements, Subsection 03, Individual in the Home, only, adopted as a pending fee
 4 rule under Docket Number 16-0612-0802;

5 IDAPA 52.01.03, Rules of the Idaho State Lottery, Rules Governing Opera-
 6 tions of the Idaho State Lottery, adopted as pending fee rules under Docket Number
 7 52-0103-0802, the entire rulemaking docket; and

8 IDAPA 49.01.01, Rules of the Certified Shorthand Reporters, Rules of Proce-
 9 dure of the Idaho Certified Shorthand Reporters Board, Section 500, Disciplinary
 10 Penalty, Subsection 01, Civil Fine, only, adopted as a pending fee rule under Docket
 11 Number 49-0101-0801.

12 BE IT FURTHER RESOLVED that IDAPA 24.24.01, Rules of the Bureau of Occupa-
 13 tional Licenses, Rules of the Board of Naturopathic Medical Examiners, adopted as pending
 14 fee rules under Docket Number 24-2401-0801, the entire rulemaking docket; IDAPA 16.06.12,
 15 Rules of the Department of Health and Welfare, Idaho Child Care Program (ICCP), Section
 16 009, Criminal History and Background Check Requirements, Subsection 03, Individual
 17 in the Home, only, adopted as a pending fee rule under Docket Number 16-0612-0802;
 18 IDAPA 52.01.03, Rules of the Idaho State Lottery, Rules Governing Operations of the Idaho
 19 State Lottery, adopted as pending fee rules under Docket Number 52-0103-0802, the entire
 20 rulemaking docket; and IDAPA 49.01.01, Rules of the Certified Shorthand Reporters, Rules
 21 of Procedure of the Idaho Certified Shorthand Reporters Board, Section 500, Disciplinary
 22 Penalty, Subsection 01, Civil Fine, only, adopted as a pending fee rule under Docket Number
 23 49-0101-0801 are hereby rejected and not approved, and thereby pursuant to Section 67-5291
 24 and Section 67-5224, Idaho Code, are declared null, void and of no force and effect.

25 BE IT FURTHER RESOLVED that rule provisions imposing fees or charges that were
 26 not submitted through the Office of Rules Coordinator for legislative review or that otherwise
 27 are not included and approved in this concurrent resolution shall be null, void and of no force
 28 and effect unless approved by adoption of a separate concurrent resolution by both houses of
 29 the Legislature as provided in Section 67-5224, Idaho Code.

30 BE IT FURTHER RESOLVED that IDAPA 58.01.11, Rules of the Department of Envi-
 31 ronmental Quality, Ground Water Quality Rule, adopted as a pending rule docket under Docket
 32 Number 58-0111-0801, the entire rulemaking docket, shall become effective on July 1, 2009.